

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Deinandrea Sweeting,

Petitioner,

v.

Case No. 1:19cv127

Warden, North Central Correctional
Complex,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on August 28, 2019 (Doc. 6).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections have been filed.¹

Upon review, the Court concludes that the Magistrate Judge’s R&R (Doc. 6) is thorough, well-reasoned, and correct. Accordingly, it is **ORDERED** that the R&R (Doc.

¹ In this regard, the Court notes that though proper notice was served upon Petitioner, it was returned due to Petitioner’s failure to apprise the Court of his change of address (Doc. 7). The envelope attached to the returned mail indicates the Petitioner was released on March 19, 2019 from custody by the Respondent. By failing to keep the Court apprised of his current address, Petitioner demonstrates a lack of prosecution of his action. See, e.g., *Theede v. United States Dep’t of Labor*, 172 F.3d 1262, 1265 (10th Cir. 1999) (Failure to object to a Magistrate Judge’s Report and Recommendation due to delay resulting from party’s failure to bring to the court’s attention a change in address constitutes failure to object in a timely manner. Because the Recommendation was mailed to the last known address, it was properly served, and party waived right to appellate review.). See also *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (*pro se* litigant has an affirmative duty to diligently pursue the prosecution of his cause of action); *Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) (*pro se* litigant has a duty to supply the court with notice of any and all changes in his address).

6) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, the Respondent's Motion to Dismiss (Doc. 5) is **GRANTED** and the Petition (Doc. 1) is **DISMISSED as MOOT**.

IT IS SO ORDERED.

/s/ Michael R. Barrett

Michael R. Barrett, Judge
United States District Court